

OKLAHOMA FUNERAL BOARD
3700 North Classen Blvd, Suite 175
Oklahoma City, Oklahoma 73118

NOTICE OF REGULAR MEETING

MEETING PLACE: Videoconference at
<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

We ask that only the Respondents in a complaint use the video camera function. If calling in by telephone please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105.

DATE & TIME: August 11, 2022 10:00AM

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on August 8, 2022 at 1:30PM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

If attending via videoconference or via telephone, Continuing Education credit will not be provided for this meeting. If you plan to attend a Board meeting for Continuing Education credit and would like a rough estimate of the length of time Board staff estimates the meeting might last, please email your request to info@funeral.ok.gov.

*** This symbol denotes the application and/or applicant is not in compliance with 235:1-1-2 (c) (14 day Rule)

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

1. Roll Call
2. Approval of the July 14, 2022 Regular Board meeting minutes
3. Oklahoma Funeral Director Association Update from a Representative of OKFDA
4. Oklahoma Insurance Department Update from a Representative of OID

5. Review complaints with possible vote for probable cause or other action

21-55 Misleading Advertising

22-40 Non-Payment of Vendor

22-41 No Prices on Caskets

22-42 Body Intake Log Issues

22-43 DC Issues

22-47 Body Intake Log Issues

22-49 Rude Employee

23-01 No Prices on Caskets

6. Matters for consideration: Consent Order or Scheduling Order

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and
- iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

6A. Complaint 21-27 Kentrell Brown, licensed funeral director and embalmer, OKC. Member Roberts needs to be recused

6B. Complaint 22-26 Brown-Thomas Funeral Home, Establishment, Chickasha; Ricky A. Brown, Owner, Chickasha; Ricky A. Brown, FDIC, Chickasha. Member Matherly needs to be recused

7. Vote to affirm or disaffirm the issuance of the following licenses, registrations, certificates, dissolution or other action

A. Apprenticeship (Original)

1. Zachary Pruett, Lawton, Whinery-Huddleston, Lawton (FD Only)
2. Kammi Robinson-Snodgrass, Lone Grove, Craddock FH, Ardmore
3. Jonathan Broce, Bethany, Memorial Park, OKC
4. Brennon Goforth, Edmond, Crawford Family, Edmond
5. Stephanie White, Fletcher, Fletcher FH, Fletcher
6. Kylee Vaughan, OKC, Roberts, Reed and Culver, Stillwell
7. Ashli Sweeney, OKC, John Ireland FH, Moore

B. Apprenticeship (2nd extension)

1. Chad Austin, Boswell, Miller & Miller FH, Hugo
2. Raylee Tarrant, OKC, Oklahoma Mortuary Service, OKC

C. Apprenticeship (3rd extension)

1. Stephen Smith, OKC, Ford, Midwest City

D. Funeral Director and/or Embalmer (Reciprocal)

1. Ronnie Dunn, Texas

E. Funeral Director and/or Embalmer (Original)

1. Carrie Davis, Owasso (FD Only)
2. Shayna Nicely, Newkirk
3. Brian Saunders, Grove (EM Only)
4. Domonique Bruner, OKC (FD Only)

F. Establishments

1. Advantage Funeral & Cremation Serv.-South, request to change FDIC from Samuel Flores to Jeremy Sparks
 2. Baggerley FH, Edmond, request to change FDIC from Matthew Boydstun to Samuel Flores
 3. Smith FH, Sapulpa, request to change FDIC from Deena Nickerson to Cynthia Ross
 4. Green Country Cremation Center, Sapulpa, request to change FDIC from Deena Nickerson to Cynthia Ross
 5. Parks Brothers Funeral Service Prague, request to close establishment
 6. Parks Brothers Funeral Service Prague, Prague, New Establishment, Prague SGO LLC, Owner, Jerel Johnson, FDIC
 7. Dighton-Moore FS, Owasso, request for temporary change of FDIC, with exemption of FDIC requirements, from John Irby to Preston McCurtain
8. **New Business.** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9.
 9. **Executive Director's Report**
 - A. Agency Financial Update
 - B. Outside legal counsel update

10. Discussion and possible action regarding 2022 Interim Study HSP2077, questions or concerns compiled after July Board meeting, and representatives selected from Board and Staff to attend Interim Study
11. Discussion and possible action regarding change of Board Statutes or Board Rules limited to the following:
 - A. Change of the age requirement for licensure in statute
 - B. Change of the age and education requirement for apprenticeship in statute
 - C. Removal of the additional education requirement in Board Rule, OAC 235:10-3-1(5)(B) and (6).
12. Adjournment

Tyler Stiles, MBA
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held:
September 8, 2022. Office of Chief Medical Examiner –OKC 921 N.E. 23rd Street
Conference Room – 1st Floor Oklahoma City, OK 73105.



MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD
3700 N. Classen, Suite 175
Oklahoma City, Oklahoma 73118

July 14, 2022

BOARD MEMBERS

Tom Coble
Darin Corbett
Joe Highberger
Brent Matherly
Jim Roberts
Mike Sanders
Chad Vice

STAFF

Shayne Melton
Rochelle Covington
Tyler Stiles
Thomas Grossnicklaus, AAG

MEETING PLACE: MEETING PLACE: Videoconference at
<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>
If calling in by telephone please call 1-408-418-9388; Access Code 1260612143.
If attending in person at the physical location: Office of Chief Medical
Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor
Oklahoma City, OK 73105.

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on July 8, 2022 at 1:30PM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

Continuing Education credit was not provided for this meeting if attended via videoconference or telephone.

President Highberger called the meeting to order at 10:00AM. Members Coble, Corbett, Highberger, Matherly, Roberts, and Sanders were present. Member Vice was not present. A quorum was always present

Reading of the Oklahoma Funeral Board mission statement:

The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

Motion by Roberts second by Highberger to approve the June 9, 2022 Regular Board meeting minutes. The motion passed unanimously.

OKFDA was unable to attend the meeting but Mr. Pierce asked Mr. Stiles to provide the following update regarding 2022 Fall District Meetings: We will be having Four District Meetings:

District I-September 20th: Iron Star BBQ Oklahoma City

District II: September 22nd: El Patron Cocina Mexicana 41st and Yale Tulsa, OK

District III & IV: September 27th: White Dog Hill Clinton, OK

District V & VI: September 29th: Fish Tales Tishomingo, OK

We will provide 1 hour of CE cost will be \$30/person

RSVP by emailing info@okfda.com, text 405-843-0730, or call 405-843-0730.

OID provided no update.

Motion by Highberger second by Roberts to dismiss for lack of jurisdiction on complaint 22-23 regarding stealing pre-need funds. The motion passed unanimously.

Motion by Highberger second by Coble to dismiss complaint 22-27 regarding advertising issues. The motion passed unanimously.

Motion by Highberger second by Corbett to dismiss complaint 22-31 regarding Statement of Goods/DC issues. The motion passed unanimously.

Motion by Matherly second by Highberger to dismiss complaint 22-32 regarding rude employee. The motion passed unanimously.

Motion by Highberger second by Coble to dismiss complaint 22-33 regarding death certificate issues. The motion passed unanimously.

Motion by Highberger second by Roberts to dismiss complaint 22-34 regarding Overcharging/DC Issues issues. The motion passed unanimously.

Motion by Highberger second by Matherly to dismiss complaint 22-35 regarding Statement of Goods/DC issues. The motion passed unanimously.

Member Sanders left the room.

Motion by Highberger second by Coble to dismiss complaint 22-36 regarding death certificate issues. The motion passed unanimously with member Sanders not in the room and did not vote.

Member Sanders reentered the room.

Motion by Matherly second by Highberger to dismiss complaint 22-37 regarding pre-need issues. The motion passed unanimously.

Motion by Highberger second by Roberts to dismiss complaint 22-45 regarding not releasing cremated remains. The motion passed unanimously.

Motion by Matherly second by Roberts to approve the following: Apprenticeship (Original) Billy Henry, Lawton, Lawton Ritter-Gray; Kaitlin Hawkins, Stilwell, Hart FH, Tahlequah; Gerald Thompson, Henryetta, Integrity FH, Henryetta (FD Only); Carson Garrett, Ft. Gibson, Clifford D. Garrett Family FH, Ft. Gibson; Camryn Garrett, Muskogee, Clifford D. Garrett Family FH, Ft. Gibson; Amy Kinsey, Pryor, Rice FH, Claremore; Megan Person, Durant, Gordon FH, Durant; John Irby Jr., Skiatook, Ray Francisco Embalming Serv., Tulsa; Alycia Rispoli, Edmond, Matthews FH, Edmond; Gage Hart, Geronimo, Hart-Wyatt FH, Walters; Carmen Garrett, Ft. Gibson, Clifford D. Garrett Family FH, Ft. Gibson (FD Only); Rachel Harris, Edmond, Smith & Kernke, OKC. The motion passed unanimously.

Motion by Matherly second by Matherly to deny the following: Apprenticeship (Original): Loran Taff, OKC, Ingram, Smith & Turner, Yukon

Motion by Matherly second by Highberger to deny the following: Apprenticeship (1st Extension) Gatlin Scott, Bartlesville, Cremation Society, Tulsa;. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (1st Extension) Elvis Keel, Elgin, Comanche Nation, Lawton; Melissa Delgado, Norman, Vondel Smith & Son Mortuary, OKC; Jared Johnson II, Wagoner, Shipman FH, Wagoner. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Apprenticeship (3rd Extension) Brian Saunders, Grove, Worley-Luginbuel, Grove. The motion passed unanimously.

Motion by Matherly second by Roberts to table the following: Funeral Director and/or Embalmer (Reciprocal), Ronnie Dunn, Texas; Paul Thompson, Texas (FD Only). The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Funeral Director and/or Embalmer (Reciprocal), Paul Thompson, Texas (FD Only); Kelsie Drake, Oregon (FD Only). The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Funeral Director and/or Embalmer (Original), Carrie Davis, Owasso (FD Only). The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Sherry Gray, Wilson (FD Only); Taylor James, OKC. The motion passed unanimously.

Motion by Matherly second by Highberger to table the following: Funeral Director and/or Embalmer (Original), Shayna Nicely, Newkirk. The motion passed unanimously.

Motion by Matherly second by Highberger to approve the following: Establishments, Rice FS & Cremation Center, Claremore, request to change FDIC from Cynthia Ross to Daniel Collier. The motion passed unanimously.

No New Business was discussed

Executive Director's Report- Agency Financial update- Mr. Stiles reported gross receipts for June 2022 to be \$7,595.00 with \$759.50 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$33,275.99 and net income after expenses totaled -\$26,440.49

Executive Director's Report -2022 Interim Study HSP2077-Mr. Stiles reported that Rep. Smith filed an interim study regarding caskets designed and manufactured in Oklahoma. Board staff will monitor the date of this study and attend. Board members were requested to send Mr. Stiles their concerns and questions regarding the study.

Motion by Highberger second by Sanders for continuing education hours for tours of the Medical Examiner's Tulsa and OKC Offices in 2022The Board approved 1 hour of CE. The dates are as follows: OKC office at 3:30PM: 8/17/22, 9/13/22, 10/20/22. Tulsa office at 4PM: 8/18/22, 8/24/22, 8/30/22, 9/12/22, 9/13/22. The motion passed unanimously.

Motion by Corbett second by Coble for staff to begin seeking outside attorney and negotiate contract for outside attorney to handle Board Complaints and ending contract with Attorney General's office. The motion passed unanimously.

Motion by Highberger second by Sanders to elect Mr. Roberts as the Funeral Board President. The motion passed unanimously with member Roberts abstaining.

Motion by Sanders second by Corbett to elect Mr. Matherly as the Funeral Board Vice-President. The motion passed unanimously.

Motion by Roberts second by Coble to adjourn the meeting at 10:45AM. The motion passed unanimously.

Joe Highberger
Oklahoma Funeral Board President

BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA

IN THE MATTER OF THE COMPLAINT)
AGAINST:)

KENTRELL JAMAR BROWN)
Licenses: 3318FD and 3702EM)
Address: 836 N.W. 116th Ter.)
Oklahoma City, OK 73114)

Respondent.)

Complaint No. 21-27

RECEIVED

JUL 27 2022

OKLAHOMA FUNERAL BOARD

COMPLAINT AND NOTICE OF HEARING

The State of Oklahoma, *ex rel.* and Oklahoma Funeral Board (the "Board") files this Complaint and Notice of Hearing, alleging that the Respondent Kentrell Jamar Brown violated provisions of OKLA. STAT. tit. 59, § 395.1 *et seq.*, the Funeral Services Licensing Act (the "Act"), and OKLA. ADMIN CODE § 235:10-1-1 *et seq.*, Rules of the Board, (the "Rules"), in the manner set forth below:

Jurisdiction

1. Respondent Kentrell Jamar Brown is licensed by the Board as a funeral director and embalmer, license numbers 3318FD and 3702EM.
2. Under OKLA. STAT. tit. 59, §§ 396.2a(9) and (11) and 396.12f(F), the Board has jurisdiction over Brown.

Factual Allegations

1. In September 2020, former Board staff investigator Tyler Stiles¹ conducted a background investigation on Brown.

¹ Stiles is now the Board's Executive Director.

2. Stiles's investigation revealed that on November 4, 2016, Brown had pending criminal charges in Oklahoma County District Court (Case No. CF-2017-2528) consisting of fourteen felonies and one misdemeanor comprised of the following offenses:
 - one felony count of loitering around residence to watch occupants,
 - thirteen felony counts of taking clandestine photographs, and
 - one misdemeanor count of obstructing an officer in the performance of their official duties.
3. On September 22, 2020, Brown pleaded guilty to all fourteen felonies and one misdemeanor. Brown received the following sentences:
 - one count of loitering around residence to watch occupants (felony): one-year suspended sentence and \$5,000 fine.
 - thirteen counts of taking clandestine photographs (felonies): five-year suspended sentence and \$5,000 fine.
 - one count of obstructing an officer in the performance of their official duties (misdemeanor): one-year suspended sentence and \$500 fine.
4. On November 23, 2020, Stiles filed a complaint with the Board, alleging that Brown pleaded guilty to fourteen felonies, and, therefore, in accordance with OKLA. STAT. tit. 59, § 396.12c(3) and (8) and OKLA. ADMIN CODE § 235:10-7-2(2), Brown was subject to discipline.
5. The same day, the Board sent Brown by certified mail via the U.S. Postal Service a true and correct copy of the Notice of Complaint.

6. On December 31, 2020, Brown filed his Response with the Board. Brown confirmed the information Stiles had obtained regarding his guilty plea to the felony convictions. Brown requested the Board “consider allowing [him] to maintain [his] Funeral Director License” because “the criminal charges that [he] plead to have nothing to do with [his] performance as a funeral director or involving any inappropriate funeral service, unfair trade practices, or fraud . . . [and] no victims . . . came forward.” (Ex. 1, Resp., Dec. 31, 2020.)
7. On February 11, 2021, during the Board’s meeting, a public vote was conducted in which the Board found probable cause to file a formal complaint against Brown for the violations alleged herein.
8. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

Alleged Conclusion of Law

9. Brown violated OKLA. STAT. tit. 59, § 396.12c(A)(3) and (8) and OKLA. ADMIN CODE § 235:10-7-2(2) when he pleaded guilty to the fourteen felony charges levied against him in Oklahoma County District Court. Section 396.12c(A) provides in relevant part:
 - A. After notice and hearing pursuant to Article II of the Administrative Procedures Act, the Oklahoma Funeral Board may refuse to issue or renew, or may revoke or suspend, any license or registration for any one or combination of the following:
 - ...
 3. Gross malpractice or gross incompetency, which shall be determined by the Board; . . .

8. Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act;

OKLA. STAT. tit. 59, § 396.12c(A)(3) and (8). Under OKLA. ADMIN CODE § 235:10-7-2,

[t]he following prohibited acts shall constitute grounds for the suspension or revocation of any license or registration issued by the Board . . .

- (2) Criminal Actions. A felony conviction or plea of guilty or nolo contendere in a felony matter, or any misdemeanor pertaining to the custody, care or disposal of dead human remains, or involving funeral service, or unfair trade practices, or fraud . . . However, anyone who has surrendered their license or has had their license suspended or revoked because of a conviction of a felony or misdemeanor where substance abuse or mental illness is the underlying cause of the crime, may appeal to have his or her license reinstated

OKLA. ADMIN CODE § 235:10-7-2(2) (emphasis added).

10. Brown does not dispute he pleaded guilty to fourteen felonies, and he does not contend that substance abuse or mental illness were the underlying cause of his crimes.

11. Due to the above violations, Brown is subject to disciplinary action by the Board. See

OKLA. STAT. tit. 59, § 396.12c(3) and (8); OKLA. ADMIN. CODE § 235:10-7-2(2).

Authorized Penalties

12. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) license denial, revocation, suspension, or nonrenewal; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related

violations²; (3) injunctive proceedings; and (4) other disciplinary action. OKLA. STAT. tit. 59, §§ 396.12c(3) and (8), 396.12d, 396.12e.

13. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” OKLA. STAT. tit. 59, § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” Id.

14. In lieu of prosecution, Brown “may elect to surrender the license” OKLA. STAT. tit. 59, § 396.12e(D). However, should Brown choose to surrender his licenses, he “shall be forever barred from obtaining a reissuance of said license” Id.

Notice of Hearing

An EVIDENTIARY HEARING will be held before the Board on August 11, 2022 at 10:00 a.m. Brown may appear personally or through an attorney. If Brown fails to appear, the hearing will be held in his absence. Brown has the right to submit a written response, cross-examine witnesses, and present evidence on his behalf. OKLA. STAT. tit. 75, §§ 309 and 310. After considering all the evidence presented, if the Board decides Brown

² When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

OKLA. STAT. tit. 59, § 396.12e(C).

violated any of the above-referenced statutes or rules, the Board may take any authorized disciplinary action it deems appropriate.

MEETING PLACE:

In-Person

Office of Chief Medical Examiner
1st Floor Conference Room
921 N.E. 23rd Street
Oklahoma City, OK 73105

Videoconference

[https://oklahomafuneralboard.
my.webex.com/meet/Funeralbo
ard](https://oklahomafuneralboard.my.webex.com/meet/Funeralboard)

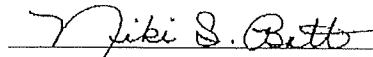
Telephone

1 (408) 418-9388
Access Code:
1260612143

The Board asks that only the
Respondents use the video
camera function.

Instead of proceeding with the hearing, the parties may present a **JOINT PROPOSED
CONSENT ORDER** to the Board on the same date and time. OKLA. STAT. tit. 75, § 309(E).

Respectfully submitted,



Niki Batt, OBA # 20157
Deputy Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
Niki.Batt@oag.ok.gov

Attorney for Oklahoma Funeral Board

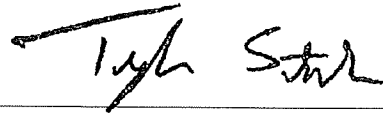
CERTIFICATE OF SERVICE

I certify that on July 27, 2022, a true and correct copy of Complaint and Notice of Hearing was sent via

- ☒ Email
- ☐ Facsimile
- ☐ Certified Mail, Return Receipt Requested

to the following:

Kentrell Jamar Brown
836 N.W. 116th Ter.
Oklahoma City, OK 73114
Kbrown41@uco.edu
Respondent

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

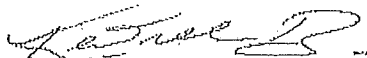
Tyler Stiles, MBA
Executive Director

Wednesday, December 30, 2020

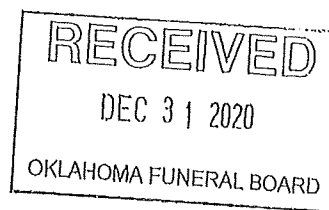
Dear Tyler Stiles and The Oklahoma Funeral Board,

I'm writing in response to the letter received from the Oklahoma Funeral Board Investigator, Tyler Stiles. I take full ownership of the allegations reported. However, the criminal charges that I pled to have nothing to do with my performance as a funeral director or involving any inappropriate funeral service, unfair trade practices, or fraud. I'm asking that you consider allowing me to maintain my Funeral Director License in the State of Oklahoma. I also would like to bring to your attention that there were no victims reported or who came forward. I can assure you that this behavior will not happen in the future of my personal life nor professional service.

Thank you,



Kentrell Brown



BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA

IN THE MATTER OF THE COMPLAINT)
AGAINST:)

BROWN-THOMAS FUNERAL HOME)

Complaint No. 22-26

License: 1055ES)

Location: 401 S. 1st Street)

Chickasha, Oklahoma 73018)

Ricky A. Brown, Owner and)

Registered Agent)

801 S. 1st Street)

Chickasha, Oklahoma 73018)

RICKY A. BROWN)

Funeral Director in Charge at)

Brown-Thomas Funeral Home)

Licenses: 2164FD and 2314EM)

Address: 401 S. 1st Street)

Chickasha, Oklahoma 73018)

-and-)

P.O. Box 46)

Chickasha, Oklahoma 73023)

Respondents.)

RECEIVED

JUL 27 2022

OKLAHOMA FUNERAL BOARD

COMPLAINT AND NOTICE OF HEARING

The State of Oklahoma, *ex rel.* the Oklahoma Funeral Board (the "Board") files this Complaint and Notice of Hearing, alleging that the Respondents Brown-Thomas Funeral Home and Ricky A. Brown violated provisions of OKLA. STAT. tit. 59, § 395.1 *et seq.*, the Funeral Services Licensing Act (the "Act"), and OKLA. ADMIN CODE § 235:10-1-1 *et seq.*, Rules of the Board, (the "Rules"), in the manner set forth below:

Jurisdiction

1. Respondent Brown-Thomas Funeral Home, 401 S. 1st Street, Chickasha, Oklahoma 73018, is licensed by the Board as a funeral establishment, license number 1055ES. Respondent Ricky A. Brown is an owner of the funeral home, and he is also its registered agent. The funeral home is liable and responsible for any penalty imposed by this Board as a result of this proceeding.
2. Brown is licensed by the Board as a funeral director and embalmer, license numbers 2164FD and 2314EM, and he is the Funeral Director in Charge ("FDIC") at Brown-Thomas Funeral Home. Under OKLA. STAT. tit. 59, § 396.2(12), Brown, as the FDIC, is responsible for the funeral home's legal and ethical operations.
3. Under OKLA. STAT. tit. 59, §§ 396.2a(9) and (11) and 396.12f(F), the Board has jurisdiction over Respondents.

Factual Allegations

4. On January 25, 2022, Board staff investigator Shayne Melton conducted an on-site inspection of Brown-Thomas Funeral Home.
5. Melton's investigation revealed that the funeral home had the following deficiencies with its Body Intake Log and minimum performance standards:
 - not all bodies received at the funeral home were listed on the log and the last entry on the log was dated August 15, 2021,
 - dates and times of embalming were not included on the log,
 - the embalmer's signature and embalming license number was not included on the log,

- the apprentice's name, signature, and license number were not included on the log,
 - two decedents at the funeral home did not have the required non-detachable identification bracelets, and
 - the FDIC was not listed on the log.
6. On January 27, 2022, Melton filed a complaint with the Board, alleging Respondents' Body Intake Log deficiencies violated OKLA. ADMIN CODE § 235:10-3-2(5)(vii) and they failed to meet the minimum performance standards as required in OKLA. ADMIN. Code § 235:10-11-1(d)(4)(A) by failing to have affixed all decedents with identification bracelets. In accordance with OKLA. STAT. tit. 59, § 396.12c(3) and (8) and OKLA. ADMIN CODE § 235:10-11-1, Respondents are subject to discipline.
 7. The same day, the Board sent Brown, individually and as the corporate representative of the funeral home, by certified mail via the U.S. Postal Service a true and correct copy of the Notice of Complaint.
 8. On February 17, 2022, Respondents filed with the Board their Response to Complaint 22-26. Brown confirmed the issues with the funeral home's Body Intake Log and stated, "Please consider the complaint my first-time offense regarding the Body Intake Log. I got a couple of months behind regarding my intake log." (Ex. 1, Resp., Feb. 17, 2022.) Other than advising the Board that they "plead[ed] no contest," Respondents did not specifically address the issues with the non-detachable bracelets.

9. On March 10, 2022, during the Board's meeting, a public vote was conducted in which the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.
10. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

Alleged Conclusion of Law

11. Section 235:10-3-2 of the Rules provides the following regarding a Body Intake Log:

(5) Preparation room.

- (A) The establishment shall have a preparation room. Such preparation room shall meet the following minimum requirements:

...

- (vii) **Body Intake Log.** Each funeral establishment or commercial embalming service shall maintain in the preparation room of that establishment, or within a reasonable proximity of the preparation room, a log book. The log book shall list the name of each human remains received at this location including the date and time the remains were received, the care or preparation of the remains (i.e., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, the disposition of the remains, and the name, signature, and license number of the embalmer(s) and apprentice(s). If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and apprentice(s). The log book must be available at all times for inspection by the Board.

OKLA. ADMIN CODE 235:10-3-2(5)(A)(vii) (emphasis added). Additionally, "[t]he Funeral Director in charge shall be listed on the original establishment application and any subsequent establishment renewal applications, and on the body intake log."

OKLA. ADMIN CODE 235:10-3-2(10) (emphasis added). Section 235:10-11-1 states in relevant part:

(d) The following minimum standards of performance *shall* be required of each licensed funeral service establishment and commercial embalming establishment in the State of Oklahoma

(4) Identification of Dead Human Bodies. In addition to the body intake log provided in Section 235:10-3-2(5)(vii):

(A) A non-detachable bracelet attached at all times to the human remains shall identify each human remains in the possession or custody of the funeral establishment, commercial embalming establishment, or crematory in this state.

OKLA. ADMIN CODE § 235:10-11-1(d)(4)(A) (emphasis added).

12. Respondents violated § 235:10-3-2(5)(A)(vii) by failing to include on the Body Intake Log information for multiple bodies the funeral home received. Respondents violated § 235:10-3-2(1) by failing to include Brown's FDIC information on the Body Intake Log. Respondents also violated § 235:10-11-1(d)(4)(A) by not affixing to two decedents the required non-detachable identification bracelets, and thus failing to meet the minimum performance standards.
13. Respondents do not deny the alleged violations occurred. Instead, they merely "plead[ed] no contest." (Ex. 1, Resp.)
14. Brown, as FDIC for the funeral home, is "responsible for the legal and ethical operation of the [funeral home] and is accountable to the Board[.]" OKLA. STAT. tit. 59, § 396.2(12). Accordingly, like the funeral home, Brown is liable for the above violations.

15. Due to the above violations, Respondents are subject to disciplinary action by the Board. See OKLA. STAT. tit. 59, §§ 396.2a(9) and (11), 396.12c(A)(5), 396.12d, and 396.12e.

Authorized Penalties

16. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) license denial, revocation, suspension, or nonrenewal; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations¹; (3) injunctive proceedings; and (4) other disciplinary action. OKLA. STAT. tit. 59, §§ 396.12c(3) and (8), 396.12d, 396.12e.

17. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” OKLA. STAT. tit. 59, § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” Id.

18. In lieu of prosecution, Respondents “may elect to surrender the license” OKLA. STAT. tit. 59, § 396.12e(D). However, should Respondents choose to surrender their

¹ When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

OKLA. STAT. tit. 59, § 396.12e(C).

licenses, they "shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship." Id.

Notice of Hearing

An EVIDENTIARY HEARING will be held before the Board on August 11, 2022 at 10:00 a.m. Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. OKLA. STAT. tit. 75, §§ 309 and 310. After considering all the evidence presented, if the Board decides Respondents violated any of the above-referenced statutes or rules, the Board may take any authorized disciplinary action it deems appropriate.

MEETING PLACE:

In-Person

Office of Chief Medical Examiner
1st Floor Conference Room
921 N.E. 23rd Street
Oklahoma City, OK 73105

Videoconference

[https://oklahomafuneralboard.
my.webex.com/meet/Funeralbo
ard](https://oklahomafuneralboard.my.webex.com/meet/Funeralboard)

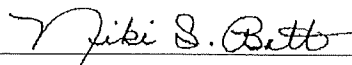
Telephone

1 (408) 418-9388
Access Code:
1260612143

The Board asks that only the
Respondents use the video
camera function.

Instead of proceeding with the hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. OKLA. STAT. tit. 75, § 309(E).

Respectfully submitted,



Niki Batt, OBA # 20157
Deputy Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street

Oklahoma City, OK 73105
Niki.Batt@oag.ok.gov
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I certify that on July 27, 2022, a true and correct copy of Complaint and Notice of Hearing was sent via

- ☒ Email
- ☐ Facsimile
- ☐ Certified Mail, Return Receipt Requested

to the following:

Ricky A. Brown, Individually and as Owner and Representative of
Brown-Thomas Funeral Home
401 S. 1st Street
Chickasha, Oklahoma 73018
-and-
P.O. Box 46
Chickasha, Oklahoma 73023
Respondents



Tyler Stiles, MBA
Executive Director

Brown-Thomas Funeral Home

Ricky A. Brown, Funeral Director/Embalmer

401 South 1st Street, PO Box 46

Chickasha, OK 73023

Email: rickyalvinbrown@alt.net

fax: 405-222-9389

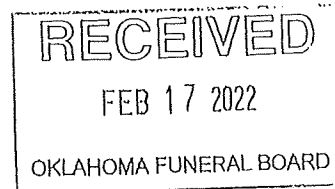
Office: 405-224-7258

Cell: 405-361-1216

Oklahoma Funeral Board

3700 N. Classen BLVD, suite 175

Oklahoma City, OK 73118



Dear Sir:

In regard to complaint 22-26 Body Intake Log, I Ricky A. Brown to hereby plead no contest.

Please consider the complaint my first-time offense regarding the Body Intake Log. I got a couple of months behind regarding my intake log.

I recognize the importance of keeping an updated, accurate, intake log.

Sincerely yours,

Ricky A. Brown, FDIC

§59-396.3. Qualifications and examination of funeral directors and embalmers - Approved schools.

B. 1. Except as provided in subsection C of this section, the minimum requirements for a license to practice funeral directing or embalming, or both, are as follows: The minimum requirements for a license to practice funeral directing or embalming, or both, are as follows: An applicant for a license to practice funeral directing or embalming shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States. In addition, an applicant shall be a graduate of a program of funeral service/mortuary science accredited by the American Board of Funeral Service Education, and have served one (1) year as a registered apprentice. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, or subsequent to graduation from the school and pass the International Conference of Funeral Service Examining Board National Board Science Examination and/or Arts Examination with a 75 or higher on each exam.

C. 1. If a person chooses not to meet the qualifications in subsection B of this section for a funeral director, the person may alternatively qualify for a license to practice funeral directing, but not embalming, upon meeting the eligibility requirements of this subsection as follows: An applicant for a license to practice funeral directing shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States. An applicant is required to complete a funeral director course of study approved by the Oklahoma Funeral Board and that is administered by program of funeral service/mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The funeral director course of Study shall include at least thirty (30) semester hours or Equivalent closely following the ABFSE curriculum standard, limited to only: Business Management, Cremation, Social Sciences/Humanities, Legal, Ethical, Regulatory, plus essential elements of embalming, restorative art, general concerns when dealing with human remains, a practicum experience and preparation for the required board exams. In addition to the funeral director course of study the applicant is required to complete a twelve-month minimum term as a registered apprentice with employment at a licensed establishment and must have assisted with twenty five arrangement conferences and assisted with twenty-five separate funeral or memorial services under the supervision of a licensed funeral director in this state. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the funeral director course of study.

§59-396.11. Apprenticeship - Application - Certificate - Rules. A. The term for an apprenticeship in embalming and the term for an apprenticeship in funeral directing may be served concurrently. Applications for an apprenticeship in funeral directing or embalming shall be made to the Board in writing on a form and in a manner prescribed by the Board. The Board shall issue a certificate of apprenticeship to any person applying for said certificate who submits to the Board satisfactory evidence that said person is seventeen (17) years of age or older, of good moral character, and a graduate of an accredited high school or has earned a G.E.D. credential. The application shall be accompanied by a registration fee as required by Section 396.4 of this title.

235:10-3-1. Qualifications for licensing individuals To be licensed in Oklahoma as a funeral director, embalmer, or both, an individual must meet the following minimum requirements:

~~(5) The individual shall have completed the following educational requirements:~~

~~(A) The individual is a graduate of a program of mortuary science accredited by the American Board of Funeral Service Education.~~

~~(B) The individual shall have completed a total of sixty (60) college semester hours of credit at an accredited institution of higher education. (i) Such institution must be accredited by a regional accrediting agency and recognized by the U.S. Department of Education as a valid and legal accrediting agency. (ii) When the institution so accredited extends credit in quarter hours, each quarter hour shall equal 2/3rds of one semester hour. (iii) Courses applied to completing the accredited mortuary science program in excess of the minimum requirements for an accredited program by the American Board of Funeral Service Education may be applied to the (60) total semester hours of college, provided such credits are earned at a regionally accredited institution.~~

~~(6) Individuals who have earned a bachelor degree in funeral service from a regionally accredited institution and American Board of Funeral Service Education accredited mortuary program shall be deemed to have met the educational requirements set for in sections (A) and (B).~~

(5) The individual shall have completed a program of mortuary science accredited by the American Board of Funeral Service Education.

END